

SW



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,700	11/20/2000	Hal Minot	0326-138A	8486

9629 7590 12/10/2003

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
----------	--------------

3624

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

09/717700

Applicant(s)

Minot

Examiner

Akers, g

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 11/20/00

2a) ☐ This action is FINAL.

2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-41 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-41 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

Art Unit: 3624

DETAILED ACTION

1. Claims 1-41 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-41 are rejected under 35 USC 103(a) as unpatentable over Fraser(US Pat. No: 5,995,947) in view of Merrill Lynch Credit Corporation(1981)("MLCC") and further in view of Merrill Lynch("ML").
4. As per claims 1-41 Fraser teaches a mortgage and loan real time trading system(Abstract)(Fig 1)(Fig 2)(col 2 lines 10-55), operating over a network which also includes the Internet(Fig 1/140).Fraser further teaches a broker station(Fig 1/120) a lender station(Fig 1/130) a loan profile database(Fig 1/111) a transaction server(Fig 1/110) and a web server(Fig 1/170) and a communications network(Fig 1/140), Additionally, Fraser teaches the borrowers providing loan information(Fig 2/221) and the broker providing the loanb profile(Fig 2/223) andselecting the asking price(Fig 2/225) and transmittting the loan profile across the network(Fig 2/226) as wellas validation of the loan profile(Fig 2/227).Fraser also teaches lender determining the query profile(Fig 2/242) and the lender transmitting the database query(Fig 2/243).Fraser also

Art Unit: 3624

teaches the lender reviewing the loan portfolio(Fig 2/247) and the lender selecting a loan for bid(Fig 2/248) and the lender transmitting the bid on the loan in the auction(Fig 2/249).Fraser also teaches that the broker reviews the portfolio(Fig 2/272) and selects the loan(Fig 2/273) and transmits his acceptance(Fig 2/275) to the winning bidder.Subsequently, Fraser teaches the broker transmitting the loan documents(Fig 2/277) and the broker advising the borrower(Fig 2/294) in the qualification process(Fig 2/280). In addition to that taught by Fraser, MLCC also teaches providing means for home buying or home equity lending(page 1)(page 2).MLCC also teaches operating through Financial Consultants at Merrill Lynch Private Clients sales offices which is brokerage firms(Page 1, para 3).MLCC further teaches workflow management of the entire loan application process(page 5/paras 1-6). In addition to that taught by MLCC, ML teaches customized lending solutions(page 3) including fixed rate and variable rate loans(page 3).ML also teaches interest only mortgages on homes(page 2).ML also teaches http-responsive means for Internet communication(page 1). It would have been obvious to one skilled in the art at the time of the invention to combine Fraser in view of MLCC and further in view of ML to teach the applicant's disclosure. The motivation to combine Fraser in view of MLCC is to teach a method of marketing home loan applications working through financial consultants as enunciated by MLCC(page 1). The further motivation to combine Fraser in view of MLCC and further in view of ML is to teach a method to market home loan applications over the internet when one seeks fixed or variable rates on the loan where the client may also have a brokerage account with the company as enunciated by ML(page 2)(page 1).

Art Unit: 3624

Conclusion

5. **THIS ACTION IS MADE NON-FINAL.**

6. Questions concerning this action should be directed to the primary, Dr. Geoffrey Akers who can be reached at 703-306-5844 between the hours of 6:30 AM and 5:00 PM Monday through Friday. If unable to reach the primary one may telephone the SPE, Vincent Millin at 703-308-1065.



December 2, 2003

DR. GEOFFREY R. AKERS
PRIMARY EXAMINER